

**REMARKS**

Reconsideration and withdrawal of the rejections set forth in the Office Action dated October 3, 2005, is respectfully requested in view of this amendment. By this amendment, the specification has been amended, claims 1-9, 11-23, 26-27 and 30 have been amended, and new claims 31-36 have been inserted. Claims 1-36 are pending in this application, with claims 3, 4, 6-8, 15, 19-22, 29 withdrawn from consideration.

The amendment to the specification effects minor idiomatic corrections, and adds references to element numbers 14', 14" and 60.

Correspondingly, amended drawing sheet 1/9 is enclosed herewith showing these features in Fig. 1B.

Claim 2 has been amended to describe the handle mounting portion being deformable so as to assume a hook-like configuration adapted for hooking the mounting portion onto a handle of a cart. Claim 2 has been amended to describe the handle mounting portion comprising a first portion and a second portion, and wherein in said hook like configuration the first portion comprises a hook portion and the second portion comprises a base portion spaced from said hook portion to define a zone therebetween for accommodating the handle. Claim 9 has been amended to describe the display as hooked onto the cart's handle. Claim 19 has been amended to describe depressing the hook portions towards one another causing the device to assume a butterfly like configuration giving rise to a handle bracing zone formed at the absent portion of the base portion. Claim 30 has been amended to describe the attachment of the handle to the cart.

Support for the claim amendments may be found, *inter alia*, as follows:

Claim 1 - page 7, line 22; page 7, lines 29, 30; Figs. 3, 4A, 4B.

Claim 2 - page 7, lines 22-23; page 7, lines 24-26; Figs. 2, 3, 4A, 4B

Claim 5 - original claims 1, 2, 5.

Claim 9 - page 7, lines 29-30.

Claim 19 - page 5, lines 18-22.

Claim 30 - Figs. 3, 4A, 4B.

New claims 31-36 describe specifics of the configuration of the display aid. Support for these claims is may be found, *inter alia*, as follows:

- Claim 31 – page 7, line 13; Fig 1A.
- Claim 32 – page 7, lines 13 to 15; Fig. 1A
- Claim 33 – page 7, lines 16, 17; Fig. 1A.
- Claim 34 – Figs. 3, 4A.
- Claim 35 – Figs. 2, 3, 4A, 4B
- Claim 36 – page 7, lines 10-11

It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

In addition, claim 5 has been rewritten into independent form. Claim 8 (withdrawn), which had two sections, had been amended to cancel the second section. That second section was incorporated into claim 19 (also withdrawn), which prior to this amendment did not substantially limit another claim.

**Rejections Under 35 U.S.C. §112**

The Examiner rejected claims 1-2, 9-12, 14, 16-18, 23-25, 28 and 30 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

**Response**

Reconsideration and withdrawal of the rejection are respectfully requested. The claims have been amended to correct the defects pointed out by the Examiner. Specifically, "at least a portion circular portion" has been cancelled and claim 11 now depends from claim 10,

which provides antecedent basis for "the data pad". Hence, Applicant submits that the rejections of Claims 2 and 11 under 35 U.S.C. §112 are overcome.

**Rejections under 35 USC §102**

In the outstanding Office Action, the Examiner rejected claims 1-2, 9-12, 14, 16-18, 23-25, 28 and 30 under 35 USC 102(b) as anticipated by *Babaz* (WO 94/20309). *Babaz* was cited as disclosing a display aid with a user interface and a handle mounting portion which is deformable to attach over a handle of a cart.

**Response**

Reconsideration and withdrawal of the rejection are respectfully requested.

Amended claim 1 is recited as follows:-

1. A display aid comprising a user interface portion and a handle mounting portion, wherein said handle mounting portion is deformable between a first position in which it is substantially flat and a second position where it is deformed so as to assume a hook-like configuration adapted for hooking the mounting portion onto a handle of a cart.

Similarly, independent claim 30 is recited as follows:

30. A display aid comprising a user interface portion and a handle mounting portion, wherein said handle mounting portion is removably attachable to a handle of a cart by [at least] partially embracing a portion of the handle.

The primary reference *Babaz* discloses a plate (3, 4) having a flexible tab (5) which may be fastened onto a cart handle by hooking the tab (5) onto a stud that is formed on the plate (abstract). Thus, the tab (5) assumes a fastening position in which the tab assumes a closed loop configuration by locking onto the back of the plate.

In contrast, the handle mounting portion of the present invention hooks onto the cart handle by assuming a hook-like configuration. ("*... deformed so as to assume a hook-like configuration adapted for hooking the mounting portion onto a handle of a cart.*" Claim 1.) As is well known, the term "hook" implies a curved or bent device, having a free end and a curved/bent portion having an opening thereto, wherein the curved portion can be engaged with (hooked onto) a member via this opening such that the hook is attached to the member or vice versa.

Applicants' "hook" is very different, functionally and structurally, from a loop, even where the loop may be formed by closing together a rectilinear strip over itself, similar to the tab (5). There are, for example, numerous hook and loop arrangements, the hook complementing the loop, and the hook is always clearly distinguishable from the loop.

Clearly, the closed loop formed by the tab (5) of *Babaz* actually teaches away from this claim, as the tab (5) must fully embrace the handle portion in order to attach to the handle.

Referring to amended claim 2, *Babaz*, or in particular Fig. 8 thereof, does not disclose a hook-like portion and a base portion spaced from one another, but rather a looped portion attached to the plate.

There can be no doubt that the tab (5), when in a position that attaches the plate to the cart handle, is a loop, and in such a position the tab was never a hook, nor adopted a hook-like configuration with the functionalities that this implies; i.e., the ability to engage with the bar in a hook-like manner.

Thus, the cited reference provides a tab (5) that is incapable by itself of forming a hook-like configuration for hooking onto the handle. Rather, the tab is flexible to enable it to loop 180° to then engage with the stud on the plate. It is quite evident from this reference that the tab (5) is not intended to, nor is it able to hook onto the handle of the cart: if the tab is detached from the stud, the tab returns to its original flat position and thus slides off the handle. Thus, at no point does the tab (5) assume a hook-like configuration, nor does it hook onto the handle.

The only "hooking" that the tab does is to hook itself onto the plate in order to form the loop via which it is fastened onto the handle.

Regarding claim 3, it is noted that the claim does not recite the elements quoted by the Examiner.

Accordingly, it is respectfully submitted that claims 1 and 30 as presently drafted, and claims dependent therefrom, are novel and inventive over *Babaz*.

The other pending claims, including the new claims 31 to 35 are also clearly novel and inventive in view of the above, *mutatis mutandis*.

In view of the foregoing, withdrawal of the rejection is respectfully requested.

### **Rejections Under 35 U.S.C. §103**

The Examiner rejected claims 13 and 26 under 35 U.S.C. 103(a) over *Babaz* in view of *Berrier* (US 6,250,006). Claim 27 was rejected under 35 U.S.C. 103(a) over *Babaz* in view of *Hockensmith* (US 4,488,366).

### **Response**

To establish a *prima facie* case of obviousness, the Examiner must establish:

- (1) that some suggestion or motivation to modify the references exists;
- (2) a reasonable expectation of success; and
- (3) that the prior art references teach or suggest all the claim limitations.

Amgen, Inc. v. Chugai Pharm. Co., 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); In re Wilson, 165 USPQ 494,496 (C.C.P.A. 1970). It is respectfully submitted that the combination of references fails to teach or suggest all the claim limitations.

*Babaz* has been discussed above and does not disclose the features of claims 13, and 26 of the invention. The Examiner cites *Berrier* in an attempt to cure the deficiencies of *Babaz* as it refers to claims 13 and 26.

These rejections, as applied to the amended claims, are respectfully traversed. The *Babaz* reference fails to show or suggest the basic configuration of claim 1 as described above. Specifically, *Babaz* fails to suggest the handle mounting portion of the present invention hooks onto the cart handle by assuming a hook-like configuration. ("*... deformed so as to assume a hook-like configuration adapted for hooking the mounting portion onto a handle of a cart.*" Claim 1.) There is no suggestion in *Berrier* that these features be incorporated into the pad. Therefore the pad described by *Berrier* in combination with *Babaz* cannot suggest these features.

*Babaz* has been discussed above and does not disclose the features of claim 27 of the invention. The Examiner cites in an attempt to cure the deficiencies of *Hockensmith* as it refers to claim 27. As is the case with *Berrier*, *Hockensmith* fails to suggest the handle mounting portion of the present invention hooks onto the cart handle by assuming a hook-like configuration. ("*... deformed so as to assume a hook-like configuration adapted for hooking the mounting portion onto a handle of a cart.*" Claim 1.) There is no suggestion in *Berrier* that these features be incorporated into the pad. Therefore the pad described by *Berrier* in combination with *Hockensmith* cannot suggest these features.

Therefore, *Babaz*, either singly or in combination with *Berrier* or *Hockensmith*, do not disclose nor suggest the present invention.

The other pending claims, including the new claims 31 to 35 are also clearly novel and inventive in view of the above, *mutatis mutandis*.

**Allowed Claims**

The Examiner indicated that claim 5 is allowable over the prior art of record. Applicants appreciate this determination of allowability. Claim 5 has been amended to include all the elements of claims 1 and 2, and should be in condition for allowance.

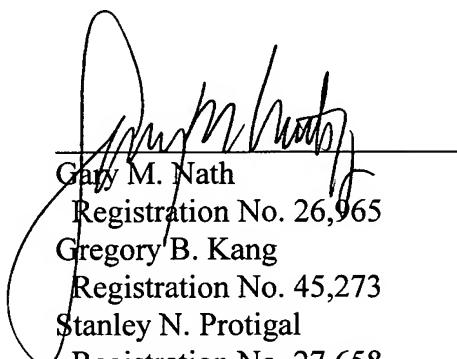
**CONCLUSION**

In light of the foregoing, Applicants submit that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner call the undersigned.

Respectfully submitted,  
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